APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,260	10/26/2001	Glenn A. Barber	Y01-067	2547

7590 05/17/2005

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EXAMINER
PILLAI, NAMITHA

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *1/28/05*.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-20* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-20* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis

for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

1.   Claims 1-20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U. S.

Patent No. 6, 407, 761 B1 (Ching et al.), herein referred to as Ching.

Referring to claim I, Ching discloses an apparatus for selecting or excluding and

identifying the manner of selecting and excluding complex sets of objects contained in a set of

such objects (column 2, lines 51-59). Ching also discloses illustrating the same in a tree-like

graphical form (Figure 10). Ching also discloses an input data memory for storing a mapping

from objects in a set of objects from which a complex set is to be selected to a set of nodes

organized in a tree-like structure that represents an ordering of the objects (column 4, lines 40-

49). Ching discloses an input data memory for storing an identification of each node

independent of its order, and for identifying each node in relation to other nodes in the hierarchy

by storing references (column 4, lines 65-66). Ching also discloses a parent node. one or more

sibling nodes and one or more child nodes, along with an indication of whether the

representation constitutes a full or partial partition of the set that is represented (column 6, lines

30-50), wherein the Figure 10 discloses a structure with parent, child and sibling nodes and the

checked boxes determine whether there is a full or partial partition of the set that is represented,

wherein if no boxes are checked under one set indicates a full partition and few boxes checked

would indicate a partial set being represented. Ching also discloses storing a status state of the

selection or exclusion of each node to represent the status state of selection or an exclusion of the

node (column 7, lines 53-63). Ching also discloses a means for changing the status state of

nodes in a tree-like graphical presentation of the nodes, storing the results in data memory and

changing the representation of the states based on an input event from the user (column 7, lines

14-18 and lines 32-42). Ching discloses an output data device that updates the status state of

selection of each node affected by the input event by operation of the process and stores the

change in data memory (column 7, lines 14-18 and lines 32-42).

Referring to claim 2, Ching discloses a processing system (reference number 102, Figure

1).

Referring to claim 3, Ching discloses that the processing mechanism comprises software

(reference number 206, Figure 2).

Referring to claims 4 and 14, Ching discloses that the tree-like structure comprises a

hierarchical ordering of the objects (Figure 10).

Referring to claims 5 and 15, Ching discloses storing an identification of each node that

is independent of its position in the hierarchy (column 4, lines 65-66).

Referring to claims 6 and 16, Ching discloses that the status of the selection or exclusion

of the node is represented by graphical icons (column 4, lines 24-28).

Referring to claim 7, Ching discloses that changing the status state of nodes in a tree-like

graphical presentation of the nodes, storing the results in a data memory. and changing the

graphical icon representation of the states based on the input event from the user (column 7, lines 14-18 and lines 32-42).

Referring to claims 8 and 18, Ching discloses that the output data device changes the icon graphically representing the status of selection or exclusion of each node so affected (column 7, lines 2-9).

Referring to claims 9 and 19, Ching discloses evaluating a current state of selection or exclusion of a node that is subject to an event, and, based on the state, retaining or changing the state in a designated sequence based upon receipt of the input event (reference number 908 and 910, Figure 9). Ching also discloses recursively evaluating the current state of selection or exclusion of each child node, if any, of the node that is subject to the event, and based on the state of selection, retaining or changing the state in a designated sequence based upon the result of the processing of the node subject to the input event (column 7, lines 2-9). Ching also discloses recursively evaluating the current state of selection or exclusion of each parent node, if any, of the node subject to the event, and determining whether all child nodes of the parent constitute a complete partition of the object represented by the parent node, and based on the results, and retaining or changing the status state of the icon in a designated sequence (column 7, lines 2-9).

Referring to claim 10, Ching discloses updating a display of the state resulting from such processing that corresponds to the node, updating the display of the state resulting from such processing that corresponds to the child node, and updating the display of the state resulting from such processing that corresponds to the parent node (column 7, lines 2-9).

Referring to claims 11 and 20, Ching discloses evaluating a current state of selection or exclusion of a node that is subject to an event, and, based on the state, retaining or changing the state in a designated sequence based upon receipt of the input event (reference number 908 and 910, Figure 9). Ching discloses updating a display of the graphical icon representing the state resulting from such processing that corresponds to the node (column 7, lines 2-9). Ching also discloses recursively evaluating the current state of selection or exclusion of each child node, if any, of the node that is subject to the event, and based on the state of selection, retaining or changing the state in a designated sequence based upon the result of the processing of the node subject to the input event and updating a display of the graphical icon representing the state resulting from such processing that corresponds to the child node (column 7, lines 2-9). Ching also discloses recursively evaluating the current state of selection or exclusion of each parent node, if any, of the node subject to the event, and determining whether all child nodes of the parent constitute a complete partition of the object represented by the parent node, and based on the results, and retaining or changing the status state of the icon in a designated sequence and updating the display of the state resulting from such processing that corresponds to the parent node (column 7, lines 2-9).

Referring to claim 12, Ching discloses updating a display of the graphical icon representing the state resulting from such processing that corresponds to the node, updating the display of the graphical icon representing the state resulting from such processing that corresponds to the child node, and updating the display of the graphical icon representing the state resulting from such processing that corresponds to the parent node (column 7, lines 2-9).

Referring to claim 13, Ching discloses a method for selecting or excluding and

identifying the manner of selecting and excluding complex sets of objects contained in a set of

such objects (column 2, lines 51-59). Ching also discloses illustrating the same in a tree-like

graphical form (Figure 10). Ching also discloses an input data memory for storing a mapping

from objects in a set of objects from which a complex set is to be selected to a set of nodes

organized in a tree-like structure that represents an ordering of the objects (column 4, lines 40-

49). Ching discloses an input data memory for storing an identification of each node

independent of its order, and for identifying each node in relation to other nodes in the hierarchy

by storing references to any parent, the sibling nodes or child nodes (column 4, lines 65-66).

Ching also discloses a parent node. one or more sibling nodes and one or more child nodes,

along with an indication of whether the representation constitutes a full or partial partition of the

set that is represented (column 6, lines 30-50), wherein the Figure 10 discloses a structure with

parent, child and sibling nodes and the checked boxes determine whether there is a full or partial

partition of the set that is represented, wherein if no boxes are checked under one set indicates a

full partition and few boxes checked would indicate a partial set being represented. Ching also

discloses storing a status state of the selection or exclusion of each node to represent the status

state of selection or an exclusion of the node (column 7, lines 53-63). Ching also discloses a

means for changing the status state of nodes in a tree-like graphical presentation of the nodes,

storing the results in data memory and changing the representation of the states based on an input

event from the user (column 7, lines 14-18 and lines 32-42). Ching discloses an output data

device that updates the status state of selection of each node affected by the input event by

operation of the process and stores the change in data memory (column 7, lines 14-18 and lines

32-42).

Referring to claim 17, Ching discloses storing the status of the nodes in a tree-like

graphical presentation of the nodes (Figure 10), the results are stored and the step of updating the

status state changes a graphical icon representation of the states based on the input event from

the user (column 7, lines 2-9).

Response to Claim Changes

2.   The Examiner acknowledges Applicant's amendments to claims 7 and 9-12 to better

specify specific components. However, all claims are rejected under 35 U. S. C. 102 as being

previously disclosed in prior art.

Response to Arguments

3.   Applicant's arguments filed 1/28/05 have been fully considered but they are not

persuasive.

With respect to Applicant's arguments that Ching discloses identifying the manner of

selecting and excluding complex sets of objects contained in the set of such objects. Ching

clearly discloses a graphical user interface in the form of a tree hierarchical menu provided,

wherein this tree is used by the user to select distinct components or sets of objects that may fall

under or are contained within a general category (reference number 1010, Figure 10). Ching by

disclosing that user selection is occurring further teaches and identification mechanism, wherein

by selection, a process occurs wherein the manner of selection is identified, this manner being by

the user clicking a check mark for selection as is shown in Figure 10.

With respect to Applicant's arguments that Ching does not disclose storing references to

parent, siblings and child nodes along with indication of full or partial partition of the set and

status information concerning the objects represented as nodes. Ching discloses storing

mechanisms for the hierarchical information as represented by the tree, wherein this storing of

hierarchical information would include the nodes, and the parent, children and sibling nodes as is

displayed in Figure 10. The tree of Figure 10 has nodes which have parent, sibling or children

based on its position in the tree and wherein the storage of this hierarchical data would therefore

include the storage of information relating to parent, siblings and child nodes, and wherein

further information for storing data that is selected is also stored, wherein this selection

information would include either full or partial partition data, wherein if all information within a

set is selected. See column 4, lines 39-50.

With respect to Applicant's arguments that Ching does not disclose identifying the status

of selection or exclusion of a node as part of a set. As shown in Figure 10, each node is clearly

part of a set, wherein "M CREATEFROMDATA" is node that is part of a larger set "B

PURCHASE REQUISITON" as it is shown as one of its children nodes. Therefore an

identification of such a node, would further teach the selection of this node as part of a set.

With respect to Applicant's arguments that Ching does not disclose whether the nodes are

excluded. Ching discloses that the nodes selected are included, and further Ching discloses

deselection, wherein the nodes that are not selected are not included in the program.

With respect to Applicant's arguments that Ching discloses not being to tell from viewing

a parent node whether child nodes are selected without expanding the tree. Ching discloses

manipulating the parent node, wherein this would affect the child nodes without viewing the

child nodes (column 7, lines 5-8).

With respect to Applicant's arguments that Ching does not disclose recursive evaluation.

Ching discloses means for accessing the further nodes and evaluating the status from the nodes

in depth to the parent nodes that are at a higher level, which teaches a recursive evaluation

process (column 7, lines 5-8).

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Responses to this action should be mailed to: Commissioner of Patents and Trademarks,

Washington D.C. 20231. If applicant desires to fax a response, central FAX number (703) 872-

9306 may be used. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed. Please

label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final

responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington.

VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai
Assistant Examiner
Art Unit 2173
May 11, 2005

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173